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EXAMINER	
KOPPIKAR, VIVEK D	
ART UNIT	PAPER NUMBER
3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/996,100	HILL ET AL.	
	Examiner	Art Unit	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. Claims 1-30 have been examined in this application. This is a Final Office Action filed in response to the "Amendment" and "Remarks" filed on December 26, 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 8-16, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Bass in further view of US Patent Application Publication 2002/0169637 to Akers.

(A) As per claim amended claims 1 and 5, Feeney teaches a pharmacy prescription processing subsystem (Feeney: Sections [0177]); and

a central fill prescription processing subsystem coupled to the first pharmacy prescription processing subsystem and a second pharmacy subsystem by a transmission medium, said pharmacy prescription processing subsystem (Feeney: Sections [0176]-[0177] and [0181) (Note: Feeney teaches that more than one subsystem can communicate with the central fill prescription processing subsystem (24));

receive a plurality of prescription requests (Feeney: Sections [0177]);

create a queue of prescription requests from said received plurality of prescription requests, each prescription request in said queue eligible to be filled by a central fill inventory

(Feeney: Sections [0177] and [0228]);

transmit said converted queue of prescription requests to said central fill prescription processing subsystem by said transmission medium, said central fill prescription processing subsystem operable to (Feeney: Sections [0177] and [0228]):

receive said converted queue of prescription requests with said transmission format (Feeney: Section [0183]);

convert said queue of prescription requests from said transmission format to a processing format (Feeney: Section [0183]);

fill a plurality of prescription requests in said queue of prescription requests from said central fill inventory (Feeney: Sections [0182]-[0184]); and

dispense a plurality of drugs from said central fill inventory, said dispensed plurality of drugs associated with said plurality of filled prescription requests (Feeney: Sections [0182]-[0185]).

Feeney does not teach the step of converting the queue of the prescription requests to a transmission format, however, this feature is well known in the art as evidenced by Bass (Bass: Col. 7, Ln. 41-45). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Feeney with the aforementioned feature from Bass with the motivation of providing a means of converting information into a format acceptable by a network, as recited in Bass (Bass: Col. 2, Ln. 14-17). As per claim 5, in the combined system of Feeney in view of Bass the network operates is a TCP/IP network (Bass: Col. 2, Ln. 14-17).

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

(B) As per claim 2, in the combined system of Feeney in view of Bass in view of Akers the transmission medium comprises a Unix Tunnel Daemon (Feeney: Section [0173]).

(C) As per claims 3-4, in the combined system of Feeney in view of Bass in view of Akers the transmission medium is STP Daemon and is in a packet data format (Bass: Col. 3, Ln. 36-42 and Col. 6, Ln. 6-10).

(D) As per claim 8, in the combined system of Feeney in view of Bass in view of Akers there is a billing subsystem coupled to the pharmacy prescription processing subsystem, the billing subsystem operable to process a claim for payment for at least one of the plurality of prescription requests (Feeney: Section [0205]).

(E) As per claims 9 and 11, Feeney teaches a pharmacy prescription processing system (Feeney: Abstract), comprising: means for entering a prescription request (Feeney: Section [0177]); and

a processor coupled to said means for entering(Feeney: Section [0177]), said processor operable to: receive a plurality of prescription requests (Feeney: Section [0177]);

create a queue of prescription requests from said received plurality of prescription requests, each prescription request in said queue eligible to be filled by a central fill inventory (Feeney: Section [0177] and [0228]); and transmit the queue of prescription requests to a central fill prescription processing system that dispenses a plurality of drugs from the central fill inventory based, at least in part, on the transmitted queue of prescription requests (Feeney: Section [0183]-[0185] and Figure 1—Number (24))). Feeney does not teach the means of converting the queue of the prescription requests to a transmission format, however, this feature is well known in the art as evidenced by Bass (Col. 7, Ln. 41-45). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Feeney with the aforementioned feature from Bass with the motivation of providing a means of converting information into a format acceptable by a network, as recited in Bass (Bass: Col. 2, Ln. 14-17).

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

(F) As per claims 10, Feeney teaches a central fill prescription processing system, comprising:

a processor (Feeney: Section [0177]) ; and a central fill inventory, said processor coupled to said central fill inventory and operable to (Feeney: Section [0177]):
a processor (Feeney: Section [0177]); and a central fill inventory, said processor coupled to said central fill inventory and operable to: receive a queue of prescription requests in a predetermined transmission format(Feeney: Section [0177]); fill a plurality of prescription requests in said queue of prescription requests from said central fill inventory (Feeney: Sections [0177] and [0228]); and dispense a plurality of drugs from said central fill inventory, said dispensed plurality of drugs associated with said plurality of filled prescription requests (Feeney: Sections [0182]-[0185]).

Feeney does not teach a means whereby a queue is converted from a predetermined format to a processing format, however, this feature is well known in the art as evidenced by Bass (Col. 7, Ln. 41-45). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Feeney with the aforementioned feature from Bass with the motivation of providing a means of converting information into a format acceptable by a network, as recited in Bass (Bass: Col. 2, Ln. 14-17).

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

(G) As per claim 12, Feeney teaches a central fill prescription processing method (Feeney: Abstract), comprising the steps of:

receiving a queue of prescription requests in a predetermined transmission format (Feeney: Sections [0177] and [0228]);

filling a plurality of prescription requests in said queue of prescription requests from a central fill inventory (Feeney: Sections [0177] and [0228]); and

dispensing a plurality of drugs from said central fill inventory, said dispensed plurality of drugs ass converting said queue of prescription requests from said predetermined transmission format to a processing format associated with said plurality of filled prescription requests (Feeney: Section [0177]). Feeney does not teach the step of converting said queue of prescription requests from said predetermined transmission format to a processing format, however, this feature is well known in the art as evidenced by Bass (Col. 7, Ln. 41-45). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Feeney with the aforementioned feature from Bass with the motivation of providing a means of converting information into a format acceptable by a network, as recited in Bass (Bass: Col. 2, Ln. 14-17).

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote (a remote third party) from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments. (Note: The examiner takes the position that the "remote location" in Akers is run by a wholesaler who operates or manages the warehouse where the pharmaceuticals are stored).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

As per claim 29, Akers teaches sending at least one of the shipments to a pharmacy and one of the shipments to a provider (Akers: Figure 8 and Section [0095]). (Note: Akers does not explicitly state that the pharmaceutical packages are shipped from the remote inventory site to the pharmacy or provider however this is a business practice well known in the pharmaceutical and health care industry and at the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the combined system of Feeney in view of Bass and Akers with this aforementioned business practice with the motivation of providing a means so that a pharmacy (provider) could provide a patient with counseling before the patient received their medication in case the remote counseling data taught in Akers was not available.

(H) As per claim 13, Feeney teaches a method for processing prescription requests (Feeney: Abstract), comprising the steps of:

a pharmacy prescription processing subsystem receiving a plurality of prescription requests, at least one of the prescription requests from a physician and at least one of the prescription requests received from a patient (Feeney: Sections [0177] and [0181] and Figure 1—Number (44));

creating a queue of prescription requests from said received plurality of prescription requests, each prescription request in said queue eligible to be filled by a central fill inventory (Feeney: Sections [0177] and [0228]);

transmitting said converted queue of prescription requests to a central fill prescription processing subsystem (Feeney: Sections [0177] and [0228);

said central fill prescription processing subsystem receiving said converted queue of prescription requests (Feeney: Section [0177]);

filling a plurality of prescription requests in said queue of prescription requests from said central fill inventory (Feeney: Sections [0182]-[0185]); and

dispensing a plurality of drugs from said central fill inventory, said dispensed plurality of drugs associated with said plurality of filled prescription requests (Feeney: Sections [0182]-[0185]).

Feeney does not teach the step of converting the queue of prescription requests to a transmission format and converting said queue of prescription requests from said transmission format to a processing format, however, these features are well known in the art as evidenced by Bass (Bass: Col. 7, Ln. 41-45). At the time of the invention, it would have been obvious for one

of ordinary skill in the art to have modified the system of Feeney with the aforementioned feature from Bass with the motivation of providing a means of converting information into a format acceptable by a network, as recited in Bass (Bass: Col. 2, Ln. 14-17).

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote (a remote third party) from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments. (Note: The examiner takes the position that the "remote location" in Akers is run by a wholesaler who operates or manages the warehouse where the pharmaceuticals are stored).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

(I) As per claim 14, in the combined method of Feeney in view of Bass in view of Akers the transmission medium comprises a Unix Tunnel Daemon (Feeney: Section [0173]).

(J) As per claims 15-16, in the combined method of Feeney in view of Bass in view of Akers the transmitting step comprises transmitting the converted queue of prescription requests with at least one STP and the transmission format comprises a packet data format (Bass: Col. 3, Ln. 36-42 and Col. 6, Ln. 6-10).

(K) As per claim 18, in the combined method of Feeney in view of Bass in view of Akers there is a step of processing a claim for payment for at least one of said plurality of prescription requests (Feeney: Section [0295]).

4. Claims 19-20, 22-23 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Bodmer in further view of Renz and in further view of Akers.

(A) As per claim 19, Feeney teaches a method of processing prescription requests (Feeney: Abstract), comprising the steps of:

entering at least a first prescription request into a queue of prescription requests to be filled (Feeney: Section [0177]);

if said at a first prescription request can be filled by said brand name drug from said central fill inventory, assigning said brand name drug to fill said at least one prescription request (Feeney: Section [0177]);

if said at least a first prescription request has been assigned for filling from said central fill inventory, sending said prescription fill queue including said at least one prescription request to a dispensing system associated with said central fill inventory for filling (Feeney: Section [0177]).

Feeney does not teach the steps of determining if said at least one prescription request is eligible to be filled from a central fill inventory; if said at least one prescription request is eligible to be filled from said central fill inventory, determining if said at least one prescription request can be filled by a brand name drug from said central fill inventory; and if said at least one prescription request is not eligible to be filled from said central fill inventory, assigning said at least one prescription request to be filled from a local inventory, however these features are

taught in Bodmer (Section [0039]). At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the method of Feeney with the aforementioned features from Bodmer with the motivation of developing an improved electronic prescription system to seamlessly incorporate products and services from third parties (various sources) into on e-commerce site, as recited in Bodmer (Section [0033]).

The combined system of Feeney in view of Bodmer does not teach the steps of if said at least one prescription request cannot be filled by a brand name drug from said central fill inventory, determining if a second drug from said central fill inventory can be substituted for said brand name drug; and if said at least one prescription request can be filled by a second drug from said central fill inventory, assigning said second drug to fill said at least one prescription request; if said at least one prescription request cannot be filled by a second drug from said central fill inventory, assigning said at least one prescription request to be filled from said local inventory; however, these features are well known in the art as evidenced by Renz (Section [0017]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method of Feeney in view of Bodmer with the aforementioned features from Renz with the motivation of providing a means of adapting a supply chain network to environmental changes without compromising on operation and financial efficiencies (ensuring that a customer's order is satisfied efficiently), as recited in Renz (Section [0009]).

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote (a remote third party) from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments. (Note: The examiner takes the position that the "remote location" in Akers is run by a wholesaler who operates or manages the warehouse where the pharmaceuticals are stored).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

(B) As per claim 20, the combined system of Feeney in view of Bodmer in view of Akers and Renz teaches the following step: if at least one prescription request has been assigned for filling from the central fill inventory, sending billing information associated with at least one prescription to a payment system (Feeney: Section [0205]).

(C) As per claim 22, the combined system of Feeney in view of Bodmer in view of Akers and Renz teaches wherein the step of sending the prescription fill queue including at least one prescription request to a dispensing system associated with the central fill inventory for filling comprises conveying at least one data packet including at least one prescription request using at least on Unix or one STP Daemon (Feeney: Section [0173]).

(D) As per claim 23, the combined system of Feeney in view of Bodmer in view of Akers and Renz teaches that the prescription fill queue comprises a plurality of prescription requests (Feeney: Section [0228]).

(E) As per claims 27-28, in the method of Feeney the first prescription request can be requested by either a prescriber (doctor) or customer (patient) (Feeney: Figure 1—Numbers (14, 24 and 44), Sections [0043] and [0176]-[0181]).

5. Claim 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Bass in view of Akers, as applied to Claims 1 and 13, above, respectively and in further view of Munoz.

(A) As per claim 6, Feeney in view of Bass does not teach or suggest an IVR (interactive voice response) system for entering at least one of a plurality of prescription requests to the pharmacy processing subsystem, however, this feature is well known in the art as evidenced by Munoz (Section [0058]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Feeney in view of Bass with the aforementioned teachings from Munoz with the motivation of providing a more convenient means of allowing a hosting physician to process and create new prescriptions (Munoz: Section [0058]).

(B) As per claim 17, Feeney in view of Bass in view of Akers does not teach or suggest an IVR (interactive voice response) system for entering at least one of a plurality of prescription requests to the pharmacy processing subsystem, however, this feature is well known in the art as evidenced by Munoz (Section [0058]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method of Feeney in view of Bass with the aforementioned teachings from Munoz with the motivation of providing a more convenient means of allowing a hosting physician to process and create new prescriptions (Munoz: Section [0058]).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Bass in view of Akers and in further view of PDXinc.com (published on August 3, 2001).

(A) The combined system of Feeney in view of Bass in view of Akers does not teach or suggest a PDX Host system coupled to said pharmacy prescription processing subsystem; and an NHIN system coupled to said PDX Host system and said central fill prescription processing subsystem, however these features are taught in PDXinc.com. At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Feeney in view of Bass with the aforementioned teaching from PDXinc.com with the motivation of providing an improved electronic prescription system, as is taught in PDXinc.com.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Bodmer, Akers and Renz, as applied to Claim 20, above, and in further view of Takahashi.

(A) As per claim 21, the combined method of Feeney in view of Bodmer and Renz does not teach or suggest a step wherein if a claim for payment associated with said at least one prescription request is not paid by said payment system within a predetermined amount of time, generating an error message to report that said claim has not been paid, however, this feature is well known in the art as evidenced by Takahashi (Col. 8, Ln. 61-65). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method of Feeney in view of Bodmer and Renz with the aforementioned teaching from Takahashi with the motivation of providing a warning message to the user when a payment is overdue, as recited in Takahashi (Takahashi, Col. 8, Ln. 61-65).

8. Claim 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Akers and in further view of US Patent Application Publication to 2002/0038259 to Bergman.

(A) As per claim 24, Feeney teaches a method of processing prescription request (Feeney: Abstract), comprising the steps of:

receiving a plurality of prescription requests to be filled from a pharmacy (Feeney: Section [0177] and Figure 1—Number (24));

selecting at least one prescription request from said plurality of prescription requests (Feeney: Section [0228]);

if the central fill inventory has adequate inventory to fill said at least one prescription request, allocating a dispense quantity for said at least one prescription request (Feeney: Section [0177] and [0228]); if a dispense quantity has been allocated for said at least one prescription request, dispensing said dispense quantity from said central fill inventory (Feeney: Sections [0182]-[0184]).

Feeney does not teach the steps of determining if a central fill inventory has adequate inventory to fill said at least one prescription request; if said central fill inventory has inadequate inventory to fill said at least one prescription request, generating an error message to report that said central fill inventory has inadequate inventory to fill said prescription request; however, these feature are well known in the art as evidenced by Bergman (Section [0038]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Feeney with the aforementioned steps from Bergman with the motivation of providing a user with a means of notification if an order cannot be fulfilled.

The combined system of Feeney in view of Bass does not teach the following feature which is taught by Akers (Section [0095]):

a central fill inventory which is remote (a remote third party) from the first pharmacy prescription processing subsystem and dispensing a plurality of drugs from the central fill inventory via one or more shipments. (Note: The examiner takes the position that the "remote location" in Akers is run by a wholesaler who operates or manages the warehouse where the pharmaceuticals are stored).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Feeney in view of Bass with the aforementioned teachings from Akers with the motivation of having an enhanced means of storing pharmaceuticals and packaging and shipping them to the pharmacies as they are ordered (as they are needed) as recited in Akers (Section [0095]).

As per claim 30, Akers teaches sending at least one of the shipments to a pharmacy location associated with the pharmacy system (Akers: Figure 8 and Section [0095]). (Note: Akers does not explicitly state that the pharmaceutical packages are shipped from the remote inventory site to the pharmacy or provider associated with the pharmacy system, however, this is a business practice well known in the pharmaceutical and health care industry and at the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the combined system of Feeney in view of Bass and Akers with this aforementioned business practice with the motivation of providing a means so that a pharmacy (provider) could provide a patient with counseling before the patient received their medication in case the remote counseling data taught in Akers was not available.

(B) As per claim 25, in the combined method of Feeney in view Akers and in view of Bergman, the method comprises the steps of initiating an order pull for said plurality of prescription requests (Feeney: Section [0177]), said plurality including said at least one prescription request having an allocated dispense quantity (Feeney: Sections [0182]-[0184]); generating at least one packing slip associated with said order pull (Feeney: Section [0234]); and

substantially affixing said at least one packing slip to a tote, said tote including said dispensed; quantity from said central fill inventory, and said tote destined for a predetermined store (Feeney: Section [0234]).

(C) As per claim 26, in the combined system of Feeney in view of Bergman in view of Akers, Feeney teaches the step of initiating an order pull for said plurality of prescription requests, said plurality including said at least one prescription request having an allocated dispense quantity (Feeney: Section [0177]); and

generating a summary manifest report including a plurality of orders associated with said order pull (Feeney: Section [0042]).

Response to Arguments

9. Applicant's arguments filed on December 26, 2006 have fully considered but they are not persuasive. The applicants' arguments will be addressed in sequential order as they were set presented in the "Amendment" filed on December 26, 2006.

Applicants assert that Akers' remote location pharmacy cannot act as a central fill inventory (of pharmaceuticals) because it is a pharmacy. However, the applicants do not explain why the central fill inventory taught in Akers cannot act as a pharmacy. Applicants cite section [0092] of the Akers reference and state that the remote location of Akers is a telepharmacy and

therefore it is not a central fill inventory which is remote from the first pharmacy. However, the applicants do not explain why a telepharmacy cannot serve as a central fill inventory. Moreover, the Examiner would like to point out that the embodiment of Akers wherein a telepharmacy operates without a licensed practitioner is only one embodiment of the invention. Because the language used in Section [0092] recognizes alternative embodiments (e.g. an inventory area (central fill inventory) with a licensed practitioners) this alternative embodiment is inherent in Akers.

Applicants also reiterate the Examiner's Official Notice of packages being shipped from a remote inventory site to the pharmacy or provider but do not specifically challenge the Examiner's official Notice.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF"). Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

VNL

Vivek Koppikar

3/13/2007

C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600